

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

CARRIE OLSON,

Plaintiff,

v.

GOLDEN MATTRESS, INC., *et al.*,

Defendants.

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No. 3:15-CV-157-HBG

MEMORANDUM OPINION

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment [Doc. 32].

Now before the Court is a Motion for Summary Judgment [Doc. 40], filed by Golden Mattress Company, Inc., and Golden Pedic, Inc. The Motion states that the lawsuit arises out of an automobile accident between a vehicle operated by Carrie Olsen and a truck owned by Golden Mattress, Inc., and operated by Melbin Santos Hernandez. The Motion argues that it is undisputed that Melbin Santos Hernandez was not an agent of Golden Mattress Company, Inc., or Golden Pedic, Inc., and that “he was not acting on the business and within the scope of employment for Golden Mattress Company, Inc., or Golden Pedic, Inc., when the accident occurred.” The Motion argues that Golden Mattress Company, Inc., and Golden Pedic, Inc., are therefore entitled to judgment as a matter of law on the basis that they cannot be held liable under the theory of *respondeat superior*.

The Plaintiff filed a Response [Doc. 56] asserting that while the companies appear to have some sort of relationship with Golden Mattress, Inc., “it does not appear that the two

‘Golden Mattress’ companies organized under the laws of the State of Texas should remain parties to the above styled suit for purposes of a determination of liability.” The Plaintiff, however, argues that any issues regarding collection of judgment are not ripe and requests that the Court’s order granting summary judgment make clear that it is not an adjudication regarding the ability to collect a judgment.

Because the parties are in agreement, the Court will **GRANT** the Motion for Summary Judgment By Golden Mattress Company, Inc., and Golden Pedic, Inc. [**Doc. 40**]. The Plaintiff’s claims against Golden Mattress Company, Inc., and Golden Pedic, Inc. will be **DISMISSED**. The Court makes no finding as to the ability to collect on any potential judgment.

ORDER ACCORDINGLY.

ENTER:


United States Magistrate Judge